

To: Members of the City Council
From: Art Hill
Date: December 31, 2009
RE: Early Redemption of Series 2003 General Obligation Bond
CC 10-01

We have the opportunity to call and make early payments on Series 2003 general obligation bonds with maturities ranging from June 1, 2011 to June 1, 2018. The bonds range in value from \$400,000 (June 1, 2011 maturity) to \$535,000 (June 1, 2018 maturity). The interest rates range from 3.25% to 3.875% - increasing as the maturity date goes out further. The total of the bonds which could be called early is \$3.7 million.

We would pay these bonds off earlier by issuing a new series of general obligation bonds in an amount not to exceed \$4.0 million. I'm proposing \$3.8 million. Instead of maturities to 2018 – we would shorten the term to five years. Our advisors at PFM believe shortening the payback term to five years or less will significantly improve the interest rates we would get – most likely ranging from a rate near 1.5% on the low end to 2.9% for the five year bond.

If this indeed the case, we would lower our interest expense for this debt by over \$300,000. The reduced interest expense is a function of both lower interest rates and a short debt term. In addition, we believe this refinancing can happen and not increase the debt service levy in future years because of this transaction.

PFM of Des Moines and Ahlers and Cooney would serve as financial advisors and bond counsel respectively on this deal.

Based on this information, I recommend you set a public hearing on January 25, 2010 to receive public comment on this proposed transaction.

Resolution 10-01

A Resolution establishing a public hearing on January 25, 2010 to accept public comment regarding the issuance of general obligation bonds for repayment of previously issued general obligation bonds, in an amount not to exceed \$4,000,000 at a rate not to exceed 4%.

Be it resolved by the City Council of the City of Council Bluffs, Iowa:

Whereas: The City of Council Bluffs issued general obligation bonds – Series 2003 with a range of interest rates of 3.25% to 3.875%. From that issue, \$3,700,000 are payable from June 1, 2011 to June 1, 2018 and

Whereas: Significant savings in interest could be realized by early payment of these bonds with proceeds of newly issued general obligation bonds at significantly lower interest rates,

That the City of Council Bluffs authorizes a public hearing on Monday January 25, 2010 at 7:00 p.m. in Council Chambers to discuss the early redemption of Series 2003 general obligation bonds and the issuance of general obligation bonds in an amount not to exceed \$4,000,000 at a rate not to exceed 4% .

Adopted
and

Approved: January 11, 2010

Thomas P. Hanafan, Mayor

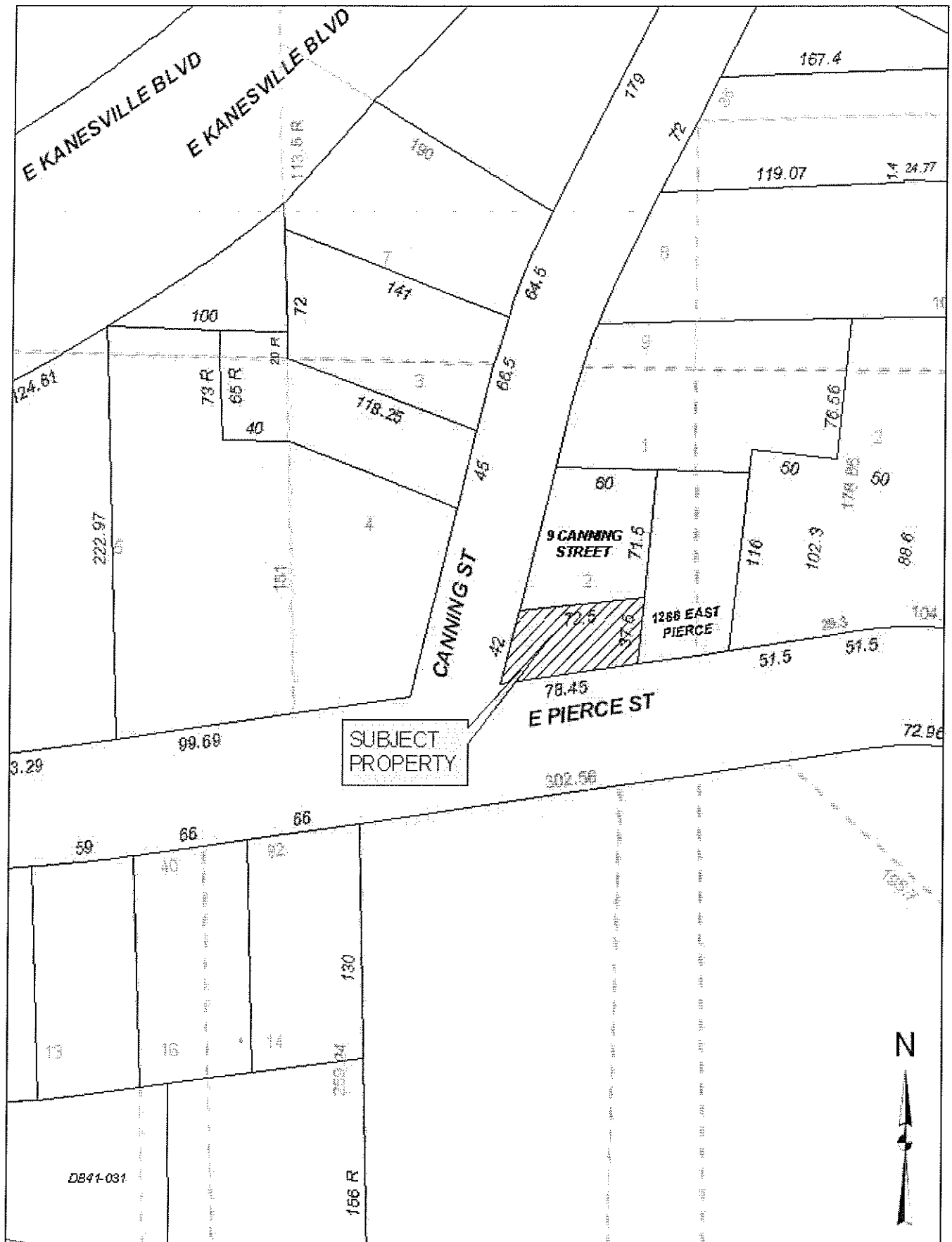
ATTEST:

Marcia L. Worden, City Clerk

Council Communication

Department: Community Development Offer To Buy City Property Applicant: Erwin A. Atherton, III	Resolution of Intent No. <u>09-360</u> Resolution to Dispose No. <u>10-02</u>	Set Public Hearing: 12/14/09 Public Hearing: 01/11/10
Subject/Title		
<p>Request of Erwin A. Atherton, III, 7323 North 152nd Street, Bennington, NE 68007 to purchase property formerly known as 5 Canning Street, described as part of Lot 2, Auditor's Subdivision of the SW1/4 NE1/4 and part of Lot 14, Auditor's Subdivision of the SE1/4 NE1/4, all in Section 30-75-43.</p>		
Background/Discussion		
<p>Erwin Atherton, III is offering to purchase a parcel of land lying north of East Pierce and east of Canning Street formerly known as 5 Canning Street. This City owned property, zoned R-3/Multi-Family Residential District, measures approximately 40' x 75' and is now vacant. Mr. Atherton would like to combine this parcel with his property abutting on the north at 9 Canning Street. The City acquired the parcel in December, 2007 via Quit Claim Deed from the previous owner.</p> <p>The applicant has offered the price of \$300.00 (\$0.10 per square foot). Because the lot is on a corner and averages only 40 feet wide, it is a nonconforming lot of record and considered unbuildable. The difficulty in developing the property combined with ongoing maintenance, staff considers the amount offered to be reasonable. As such, staff believes conveying the property to Mr. Atherton is the only feasible option.</p>		
Recommendation		
<p>The Community Development Department recommends disposal of part of Lot 2, Auditor's Subdivision of the SW1/4 NE1/4 and part of Lot 14, Auditor's Subdivision of the SE1/4 NE1/4, all in Section 30-75-43, to Erwin A. Atherton, III for the amount offered.</p>		
<p>Attachment: Location map. Prepared By: Rebecca Sall, Planning Technician, Community Development Department</p>		

OFFER TO BUY - ATHERTON



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 10-02

A RESOLUTION AUTHORIZING DISPOSAL OF CITY OWNED PROPERTY FORMERLY KNOWN AS 5 CANNING STREET LYING NORTH OF EAST PIERCE STREET AND EAST OF CANNING STREET.

WHEREAS, This City Council previously expressed its intent to dispose of City property formerly known as 5 Canning Street, described as part of Lot 2, Auditor's Subdivision of the SW1/4 NE1/4 and part of Lot 14, Auditor's Subdivision of the SE1/4 NE1/4, all in Section 30-75-43, more fully described as: Commencing at the intersection of Canning Street and McPherson Avenue/East Pierce Street, thence North 48', East 75.5', South 37.5', West 78.45' to the Point of Beginning; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Erwin A. Atherton, III and all successors in interest: Part of Lot 2, Auditor's Subdivision of the SW1/4 NE1/4 and part of Lot 14, Auditor's Subdivision of the SE1/4 NE1/4, all in Section 30-75-43, more fully described as: Commencing at the intersection of Canning Street and McPherson Avenue/East Pierce Street, thence North 48', East 75.5', South 37.5', West 78.45' to the Point of Beginning, for the sum of \$300.00

ADOPTED
AND
APPROVED:

January 11, 2010

Thomas P. Hanafan Mayor

ATTEST:

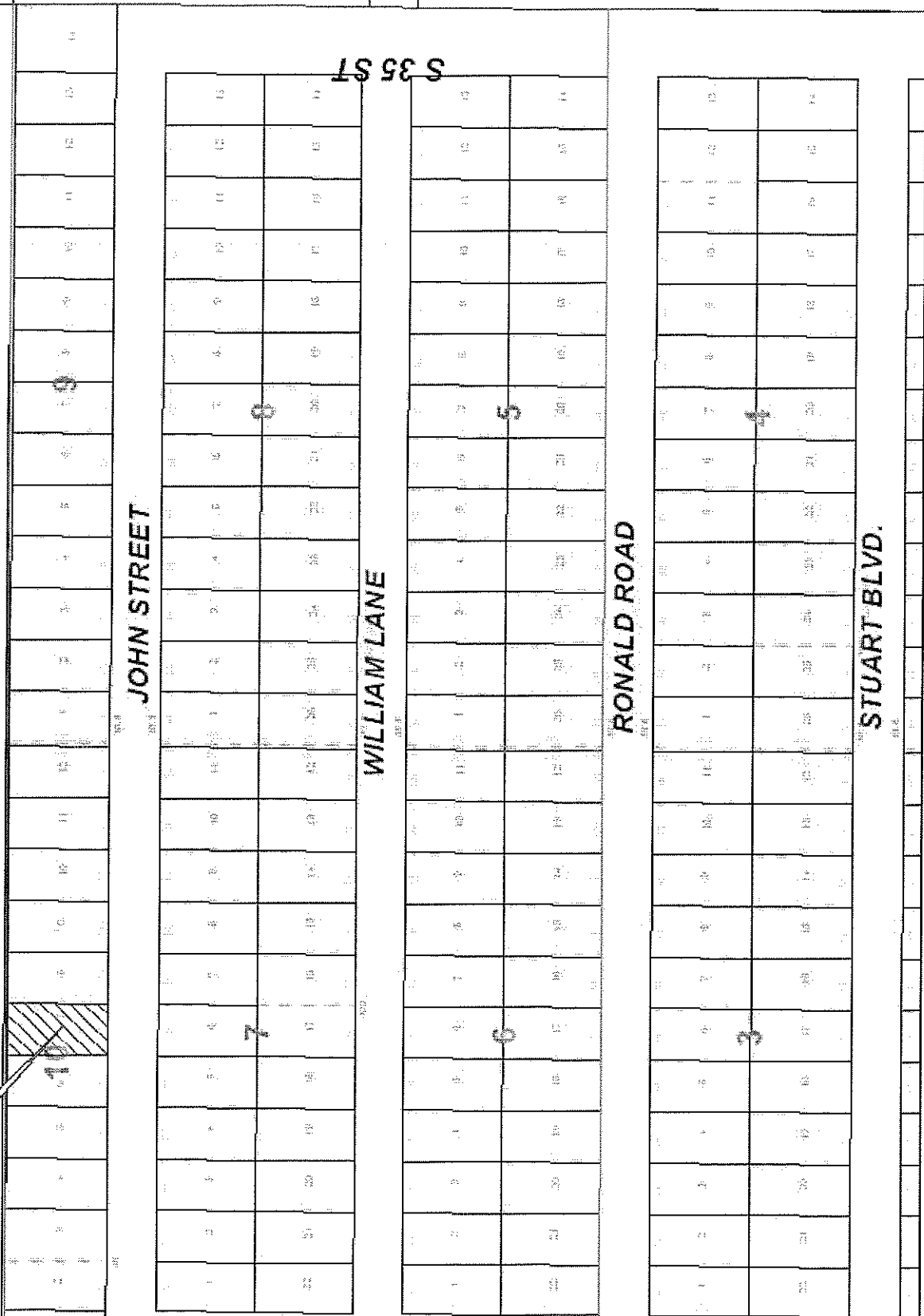
Marcia L. Worden City Clerk

Council Communication

Department: Community Development Offer To Buy City Property Applicant: Frederick T. Rose	Resolution of Intent No. <u>09-359</u> Resolution to Dispose No. <u>10-03</u>	Set Public Hearing: 12/14/09 Public Hearing: 01/11/10
Subject/Title		
Request of Frederick T. Rose, 3607 William Lane, Council Bluffs, IA 51501 to purchase property formerly known as 3610 John Street, legally described as Lot 7, Block 10, Moore's Addition (aka Malmore Acres).		
Background/Discussion		
<p>Frederick Rose has submitted an Offer to Buy for Lot 7, Block 10, Moore's Addition (aka Malmore Acres). This City owned property is zoned R-1M/Single-Family Manufactured Housing District and measures 50' x 100' for a total of 5,000 square feet. A manufactured home was previously located on site, but the property is now vacant. The City acquired this parcel in September, 2008 through a 657A process.</p> <p>The applicant has offered the price of \$7,600 which amounts to \$1.52 per square foot. Staff has other vacant lots within Malmore Acres and finds that the Pottawattamie County Assessor has established land values ranging from \$7,560 to \$9,514. Although the Applicant's offer falls within this range, the offer is below the mid point of \$8,537.</p> <p>No adverse comments have been received from any City department or utility.</p>		
Recommendation		
The Community Development Department recommends disposal of part of Lot 7, Block 10, Moore's Addition to Frederick Rose, III for \$8,537.		
Attachment: Location map. Prepared By: Rebecca Sall, Planning Technician, Community Development Department		

OFFER TO BUY - FREDERICK ROSE

SUBJECT
PROPERTY



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 10-03

A RESOLUTION AUTHORIZING DISPOSAL OF CITY OWNED PROPERTY DESCRIBED AS LOT 7, BLOCK 10, MOORE'S ADDITION.

WHEREAS, This City Council previously expressed its intent to dispose of City property described as Lot 7, Block 10, Moore's Addition, formerly known as 3610 John Street; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Frederick T. Rose and all successors in interest: Lot 7, Block 10, Moore's Addition, for the sum of \$7,600.00

ADOPTED

AND

APPROVED:

January 11, 2010

Thomas P. Hanafan

Mayor

ATTEST:

Marcia L. Worden

City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading January 11, 2010
Case/Project No.: FY10-11B Resolution No. 10-04
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting February 8, 2010 at 10:00 a.m. as the date and time for the bid opening for Broadway Streetscape-Phase II, also called (Downtown Streetscape-Phase VIII-Broadway). Project #FY10-11B.

BACKGROUND/DISCUSSION

- The city, in partnership with Iowa West Foundation has implemented a program to rebuild the downtown public infrastructure and incorporate a streetscape theme. Seven phases have been completed to date. The first phase was in 1998 and the seventh was in 2008.
- To date the total cost of the program is \$14,672,000.00
- Proposed is Phase VIII overall and Phase II for the Broadway section. Phase II is Broadway from 2nd Street to 1st Street.
- Improvements in Phase VIII include street, storm sewer, and sanitary sewer replacement. Streetscape amenities include landscaping, irrigation, walls, entry columns, interpretive elements, benches, street lights, decorative concrete and brick.
- Due to PCDC building demolition on the south side of Broadway and extensive utility relocation work in the 1st Street & Broadway intersection, the project will be constructed in two phases. Phase A, FY10-11A, was reconstructed on the north side of Broadway from 2nd Street to 1st Street intersection. This work was completed in 2009. The second phase FY10-11B will reconstruct the street between 1st and 2nd Street, and the south sidewalk. Phase B will be bid in the winter of 2009 and will begin in the spring of 2010.
- This is project FY10-11 in the CIP and total cost of the project is estimated at \$3,100,000. The project budget is \$1,500,000 GO Bonds, \$1,300,000 Iowa West Foundation Grant, and \$300,000 Council Bluffs Water Works. Phase B, FY10-11B – 2010 construction and engineering is estimated at \$1,100,000.
- This project includes a \$10,000 incentive if the work is completed by July 2, 2010. After that date liquidated damages will be assessed at \$1,500 for each calendar day until the project is completed.
- The sidewalk work in front of the old O'Malley's building will not be completed until the remodel of the building is done. The contractor has until August, 30th to complete this sidewalk..
- Project Schedule is: Setting the Public Hearing, December 14, 2009; Hold Public Hearing, January 11, 2009; Construction Letting, February 8, 2010 and Construction Award, February 22, 2010

RECOMMENDATION

Approval of this resolution.

RESOLUTION
NO 10-04

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
BROADWAY STREETScape-PHASE II,
ALSO CALLED (DOWNTOWN STREETScape-PHASE VIII-BROADWAY)
FY10-11B**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Broadway Streetscape-Phase II also called (Downtown Streetscape-Phase VIII-Broadway); and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on January 11, 2010.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the Broadway Streetscape-Phase II also called (Downtown Streetscape-Phase VIII-Broadway) and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED

January 11, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading January 11, 2010

Case/Project No.: FY11-10

Resolution No. 10-05

Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting February 11, 2010 at 10:00 a.m. as the date and time for the bid opening for the Lower Bennett Rehab Phase II. Project #FY11-10.

BACKGROUND/DISCUSSION

- Weaver's 3rd Addition and Seldin's 4th & 5th Additions are the residential areas east of Bennett Avenue from Franklin Ave to McPherson. The streets in the area are 40-50 years old and in poor condition. There is inadequate storm sewer in the area.
- Phase I was completed in 2009 on Arnold Ave from Adrian Ave to Mielke Way
- The neighborhood infrastructure will be replaced over several years. Phase II will involve Mielke Way, Arnold Avenue and Adrian Avenue. Improvements include new concrete pavement, storm sewer, and sanitary sewer.
- The project is FY11-10 in the CIP and has a budget of \$1,000,000 in G. O. Bonds
- The project scheduled is:

Set Public Hearing	December 14, 2009
Hold Public Hearing	January 11, 2010
Letting	February 11, 2010
Award	February 22, 2010

RECOMMENDATION

Approval of this resolution.

FY11-10
LOWER BENNETT REHAB PH II



RESOLUTION
NO 10-05

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
LOWER BENNETT REHAB PHASE II
PROJECT #FY11-10.**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Lower Bennett Rehab-Phase II; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on January 11, 2010.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the Lower Bennett Rehab-Phase II and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED January 11, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

Council Communication

Department: Public Works Division: Building Case/Project No.	Ordinance No. <u>6046</u>	First Reading Second Reading Third Reading
Subject/Title		
<p>AN ORDINANCE to amend Chapter 13.21 entitled “Property Maintenance Code” of the 2005 Municipal Code of Council Bluffs, Iowa,” by adding a new Section 13.21.086 entitled “Residential Occupancies” which amends the International Property Maintenance Code Section 602.2, and also amending its Section 13.21.090 entitled “Heat Supply” which amends the International Property Maintenance Code Section 602.3 to be codified as such.</p>		
Background/Discussion		
<p>Section 1. changes to the Municipal Code are as follows:</p> <ul style="list-style-type: none"> • amend the temperature of 68 degrees as used in IPMC Section 602.2 text so that it will be consistent with the 65 degrees as used in IPMC Section 602.3 and 602.4 text for “heating facilities capable of maintaining a room temperature in all habitable rooms” • eliminate references to non-adopted Codes or need of climate records. • change “space” heating to “supplement” heating that may be used in addition to the permanent heating equipment required to be provided. • add text that heating equipment is to be “listed, labeled, and vented” for the health and safety of the occupants. • add text for when sub-zero outside temperature days, “then the heating system shall be capable of maintaining at least 60 degrees average temperature in all habitable rooms”. <p>Section 2. changes to the Municipal Code as follows:</p> <ul style="list-style-type: none"> • add text to better clarify the code and eliminate need of climate records and just have the basis upon the outside temperature. 		
Amendments		
As shown with strikethroughs for deletions and underlines for additions.		
Recommendation		
Staff met with the Landlord Association and CHIC, and they are supportive of the above proposed ordinance.		

Public Works Director’s Signature

Mayor’s Signature

ORDINANCE # 6046

AN ORDINANCE to amend Chapter 13.21 entitled "Property Maintenance Code" of the 2005 Municipal Code of Council Bluffs, Iowa," by adding a new Section 13.21.086 entitled "Residential Occupancies" which amends the International Property Maintenance Code Section 602.2, and also amending its Section 13.21.090 entitled "Heat Supply" which amends the International Property Maintenance Code Section 602.3 to be codified as such.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:**

SECTION 1. ADDITION.

That Chapter 13.21 entitled "Property Maintenance Code" of the 2005 Municipal Code of Council Bluffs, Iowa, is hereby amended in part by adding a new Section 13.21.086 entitled "Residential Occupancies" which amends the International Property Maintenance Code Section 602.2 to be codified and to read as follows:

Municipal Code Section 13.21.086 (Added) - Residential occupancies

IPMC Section 602.2 shall be amended as follows:

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of ~~68~~ 65 degrees F in all habitable rooms, bathrooms and toilet rooms ~~based on the winter outdoor temperature for the locality indicated in Appendix D of the International Plumbing Code.~~

Cooking appliances and/or portable heating equipment shall not be used to provide space supplement heating to meet the requirements of this section. All heating equipment shall be listed, labeled, and vented in accordance with the International Mechanical Code and the International Fuel Gas Code which prohibits use of charcoal and kerosene heaters within a dwelling unit.

~~Exception: In areas where the average monthly temperature is above 30 degrees F, a minimum temperature of 65 degrees F shall be maintained.~~

Exception: When the outside temperature is below zero degrees Fahrenheit, then the heating system shall be capable to maintain at least sixty degrees Fahrenheit average temperature in all habitable rooms.

SECTION 2. AMENDMENT.

That Chapter 13.21 entitled "Property Maintenance Code" of the 2005 Municipal Code of Council Bluffs, Iowa, is hereby amended in part by amending its Section 13.21.090 entitled "Heat Supply" which amends the International Property Maintenance Code Section 602.3 to be codified and to read as follows:

Municipal Code Section 13.21.090 (Amended) - Heat supply.

IPMC Section 602.3 shall be amended as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, ~~to~~ shall furnish heating equipment to the occupants thereof. The heating equipment shall be capable of

supplying heat to maintain an average temperature of not less than 65 degrees F. in all habitable rooms, bathrooms, and toilet rooms.

Exception:

~~1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the Plumbing Code as adopted in Chapter 13.12 of the Municipal Code.~~

~~2. In areas where the average monthly temperature is above 30 degrees F a minimum temperature of 65 degrees F shall be maintained.~~

When the outside temperature is below zero degrees Fahrenheit, then the heating system shall be capable to maintain at least sixty degrees Fahrenheit average temperature in all habitable rooms.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This includes but not limited to: Ordinance #5784

SECTION 4. SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 5. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication (- -2010) as by law provided.

PASSED

AND

APPROVED: _____, 2010

Thomas P. Hanafan, Mayor

Attest: _____
Marcia L. Worden, City Clerk

First Consideration: January 11, 2010
Second Consideration: January 25, 2010
Third Consideration:

Council Communication

Department: Public Works Division: Building Case/Project No.	Ordinance No. <u>6047</u>	First Reading Second Reading Third Reading
Subject/Title		
AN ORDINANCE to amend Title 17 entitled "Housing" of the 2005 Municipal Code of Council Bluffs, Iowa, by partially amending Section 17.01.010 entitled "Definitions" by amending Subsection #28 entitled "Rental Property" to be codified as such.		
Background/Discussion		
<p>This is proposed to provide for better clarification of what is "rental property".</p> <p>For purposes of Title 17 this ordinance will define rental property as:</p> <ol style="list-style-type: none">1. a living unit used to hopefully make a profit, or2. a living unit is not considered rental if someone occupies it at no cost where the owner <u>donated</u> the use of the property to someone, like a relative or it is used as a charitable shelter, and the owner is not compensated in any way.		
Amendments		
Amending Section 17.01.010 entitled "Definitions" of Title 17 entitled "Housing" by amending Subsection #28 entitled "Rental Property".		
Recommendation		
<p>Staff met with the Landlord Association and CHIC on March 10, 2009, and they are supportive of the above proposed ordinance.</p> <p>The Public Works Director and the Building Official recommend that the City Council favorably consider this proposed ordinance and pass it into law.</p>		

Public Works Director's Signature

Mayor's Signature

ORDINANCE # 6047

AN ORDINANCE to amend Title 17 entitled “Housing” of the 2005 Municipal Code of Council Bluffs, Iowa, by partially amending Section 17.01.010 entitled “Definitions” by amending Subsection #28 entitled “Rental Property” to be codified as such.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. AMENDMENT.

That Title 17 entitled “Housing” of the 2005 Municipal Code of Council Bluffs, Iowa, is hereby amended by partially amending Section 17.01.010 entitled “Definitions” by amending Subsection #28 entitled “Rental Property” to be codified and to read as follows:

Section 17.01.010 – Definitions. (in part)

Subsection #28 – “Rental Property” means any dwelling, single habitable unit, dwelling unit, and/or rooming house unit used for living and sleeping for which a stated return, or service in kind, or monetary payment is made required for the temporary possession or use thereof.

A unit is not considered a rental property if the use of the property is donated to an occupant who may pay for the exact cost of utilities they personally use and the payment is made either directly to the utility or through the owner. Payments to the owner for anything else is considered as rent compensation and subjects the property to the requirements of Rental Property.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication (- - 10) as by law provided.

PASSED
AND
APPROVED: _____, 2010

Thomas P. Hanafan, Mayor

Attest: _____
Marcia L. Worden, City Clerk

First Consideration: January 11, 2010
Second Consideration: January 25, 2010
Third Consideration:

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. 6048

First Reading January 11, 2009

Case/Project No.: _____

Resolution No. _____

Second Reading _____

Applicant: Greg Reeder, Public Works Director

Third Reading _____

SUBJECT/TITLE

Consideration of an ordinance establishing "tap-on" fees for the East 29th Avenue Extension from Harry Langdon Blvd to East 29th Avenue terminus.

BACKGROUND/DISCUSSION

- To facilitate and encourage new subdivisions in the city, sewer extensions are required.
- The Water Pollution Control Facilities relocation, first started in 1972 and finally completed in 1974, laid the foundation for growth in the south.
- In 1994, Mosquito Creek interceptor was completed to enhance collection for growth in the south.
- The East 29th Avenue sewer extension will provide sewer service to existing and potential development. A total of approximately 1,616 lineal feet of 8" sewer main was constructed.
- The project was designed, bid, and approved in accordance with state and local code. The Public Notice and Public Hearing requirements of these codes were met before approval and award of contract by the city council.
- The benefited area for the East 29th Avenue sewer is 9.08 acres with a total sewer cost of \$93,540.25. The tap-on fee is \$10,301.78 per acre with a \$7,195.40 per connection minimum.
- Lot connection will be implemented due to the small benefitted area.

RECOMMENDATION

Approval of this resolution.

Approved by: Greg Reeder, Public Works Director

**Description of Project
East 29th Avenue Extension**

**CITY OF COUNCIL BLUFFS, IOWA
January, 2010**

The project generally consists of the construction of sanitary sewer facilities beginning at Harry Langdon Blvd and extending along the south side of E. 29th Avenue to its terminus. The project was constructed to bring sanitary sewer service to the benefited area. These parcels previously had no sanitary sewer service available, thereby hindering their prospects for development and/or improvements.

The facilities constructed was 8" in diameter. A total of approximately 1,616 lineal feet of sewer main was constructed.

The project was designed, bid, and approved in accordance with State and Local codes. The public notice and public hearing requirements of these codes were met before approval and award of the project by the City Council of the City of Council Bluffs.

One property owner has made agreement with the City of Council Bluffs regarding payment or pre-payment of sewer tap-on fees related to their benefits from construction of this project.

A map identified as Exhibit A is included showing the general project location and lot configuration.

Exhibit B is a plat of the sewers constructed with this project.

A plat of the benefited are is include as Exhibit C1. Exhibit C2 is a legal description of the boundary of the Benefit Area.

A tabulation of the project costs are found in Exhibit D.

Exhibit E1 shows the calculation for the per acre tap-on fee for the Benefit Area. Exhibit E2 is a summation of the total acreage in the Benefit Area by listing the assessed acreages of each individual parcel within the Benefit Area.

Exhibit D
Certification of Project Costs
East 29th Avenue Sewer Extension

CITY OF COUNCIL BLUFFS, IOWA
January, 2010

<u>Project #</u>	<u>Project Name</u>	<u>Costs</u>
FY10-06B	East 29 th Avenue Sewer Extension	\$93,540.25
	Total Project Cost	\$93,540.25

Certification of Project Costs

Greg Reeder, P. E., Director Public Works, City of Council Bluffs, Iowa

Exhibit E1
Tap-on Fee Schedule
East 29th Avenue Sewer Extension

CITY OF COUNCIL BLUFFS, IOWA
January, 2010

1. General Tap-on Fee

Total Project Cost (Exhibit D)	=	\$93,540.25
Total Benefited Acreage (see Parcel Tabulation, Exhibit E2)	=	9.08 acres
	=	$\frac{\$93,540.25}{9.08}$
Tap-on Fee for Benefited Area	=	\$10,301.78/acre

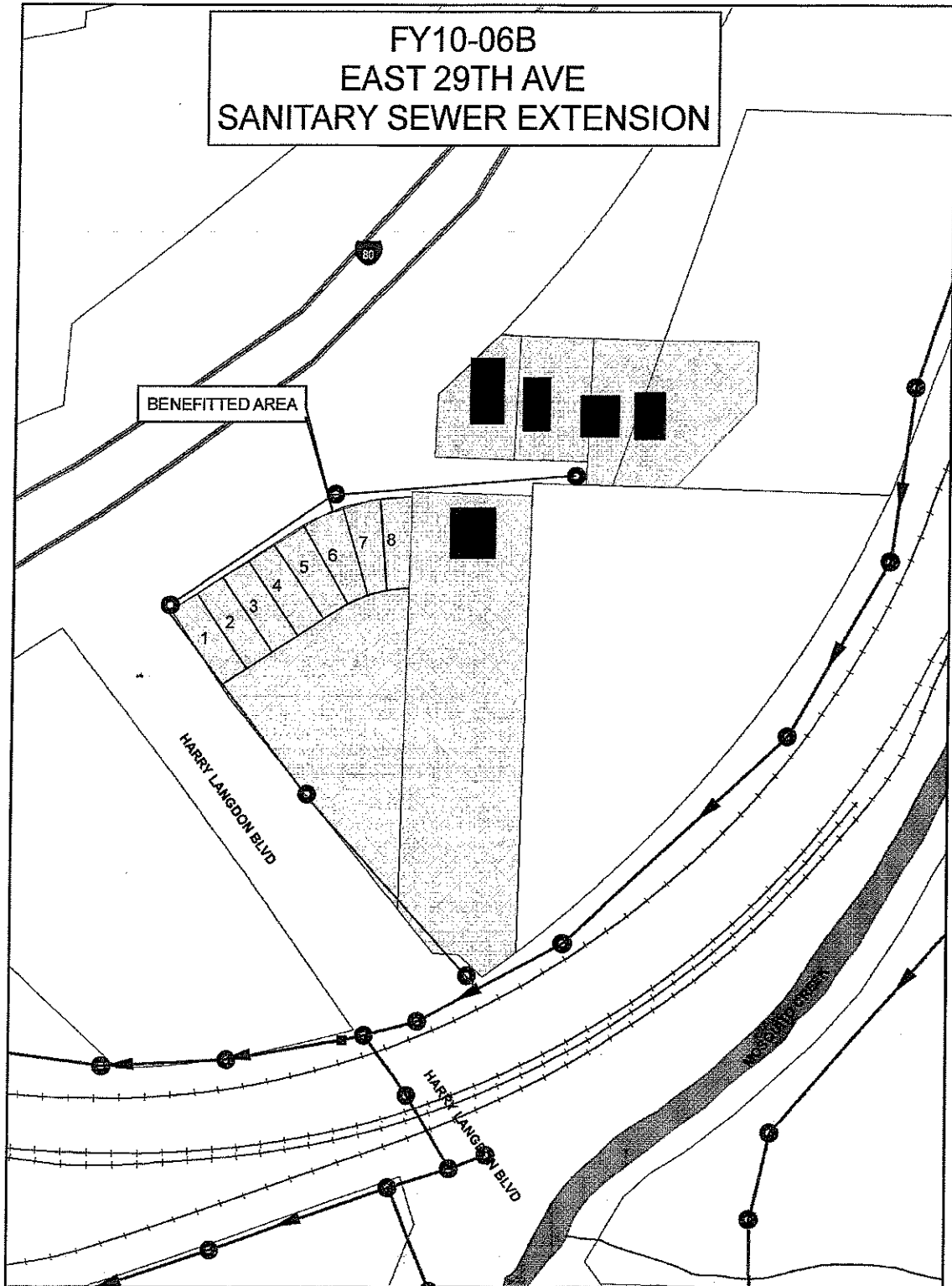
2. East 29th Avenue Connection Fee

Total acres		9.08 acres
Total Tap-on Fee Due	=	Total acres x tap-on per acre
	=	9.08 x \$10,301.78
Tap-on Fee	=	\$93,540.25
Total Lots Proposed		13
		$\frac{\text{Total tap-on fee}}{\text{Total number of lots}} = \frac{\$93,540.25}{13}$
East 29 th Ave. Connection Fee		\$ 7,195.40

3. Minimum Fee = \$ 7,195.40 per connection

4. Maximum Fee = \$10,301.78 per acre

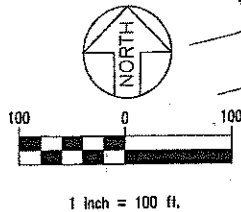
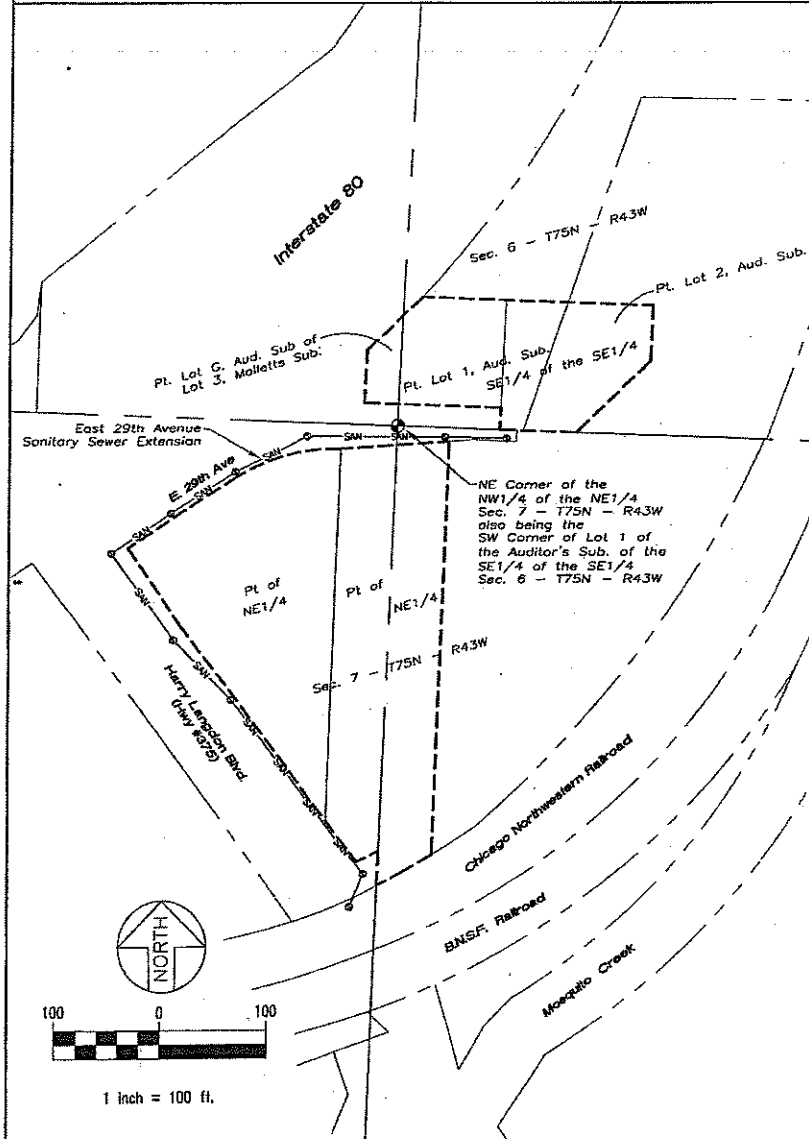
FY10-06B
EAST 29TH AVE
SANITARY SEWER EXTENSION



City of Council Bluffs, Iowa

East 29th Avenue Sanitary Sewer Extension

Exhibit B - Plat of Sewer Construction



Drawn: C/JG
Checked: M/WF

SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS
515 West 10th Street, Suite 12
Council Bluffs, Iowa 52801
712.325.8300

Project No: 05747.003

Date: 12/28/09

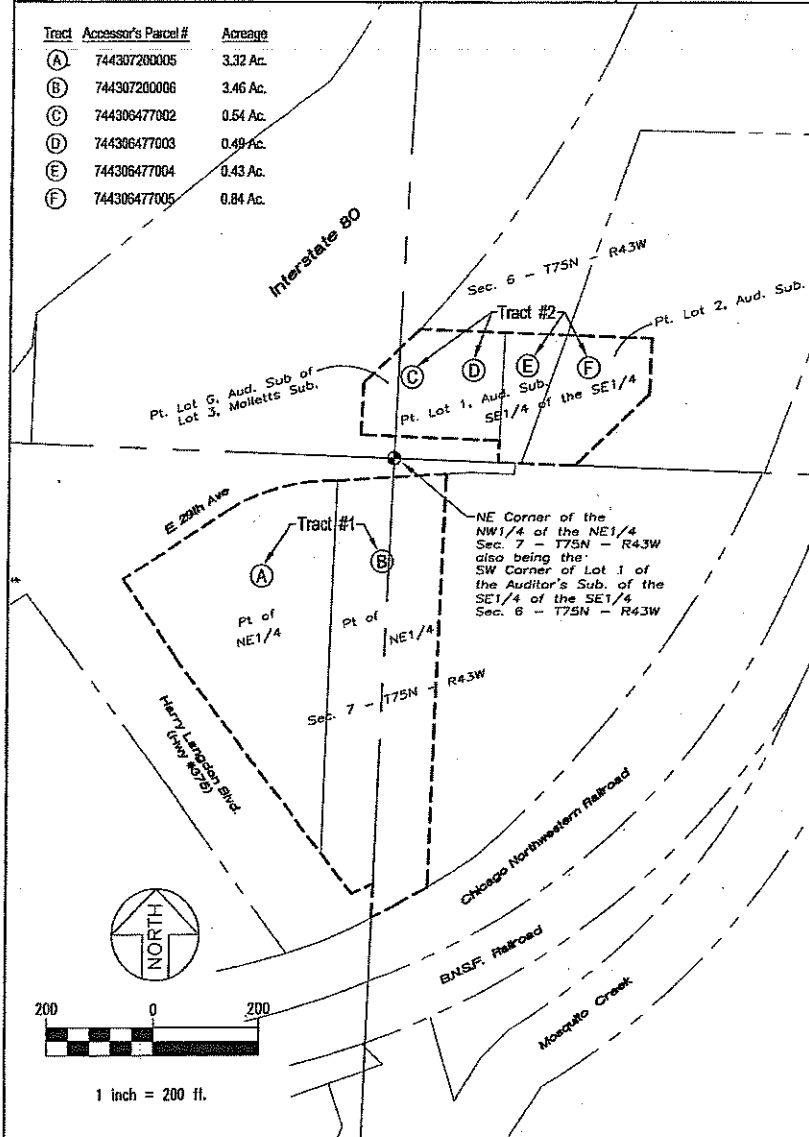
City of Council Bluffs, Iowa

East 29th Avenue Sanitary Sewer Extension

Exhibit C1 - Plat of Benefited Area



Tract	Accessor's Parcel #	Acreage
(A)	744307200005	3.32 Ac.
(B)	744307200006	3.46 Ac.
(C)	744306477002	0.54 Ac.
(D)	744306477003	0.49 Ac.
(E)	744306477004	0.43 Ac.
(F)	744306477005	0.84 Ac.



Drawn: CJG
Checked: MWF

SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS
520 Valley View Drive, Suite 12
Council Bluffs, Iowa 51503
319.225.0200

Project No: 05747.003

Date: 12/28/09

City of Council Bluffs, Iowa

East 29th Avenue Sanitary Sewer Extension

Exhibit C2 - Legal Description of Benefited Area



Legal Description

Part of Lots 1 and 2 of the Auditor's Subdivision of the Southeast One-Quarter of the Southeast One-Quarter of Section 6, Township 75 North, Range 43 West of the 5th P.M., together with Part of the Northeast One-Quarter of Section 7, Township 75 North, Range 43 West of the 5th P.M., all being in Pottawattamie County, Iowa. Being more particularly described as follows:

Tract #1

Beginning at a point which is 97.7 feet east of and 24.6 feet South of the northeast corner of the Northwest One-Quarter of the Northeast One-Quarter of said Section 7, thence South for 748.23 feet to the north line of the Chicago Northwestern Railroad right-of-way; thence southwesterly along said north line on a 1382.94 foot radius curve to the right for 47.14 feet with a long chord bearing South 58°58'23" West for a distance of 47.14 feet; thence North 00°15'52" East for 61.60 feet along the east line of said Northwest One-Quarter of the Northeast One-Quarter; thence South 63°17'18" West for 44.59 feet; thence the following two (2) courses along the east line of Harry Langdon Blvd (Hwy #375) right-of-way: (1) North 40°18'39" West for 537.90 feet (2) North 37°20'06" West for 176.64 feet; thence the following three (3) courses along the southerly line of relocated 29th Avenue right-of-way: (1) North 55°33'34" for 229.18 feet (2) Northeasterly along a 364.3 foot radius curve to the right for 218.85 feet with a long chord bearing North 72°46'47" East for 215.57 feet (3) North 84°12'23" East for 202.13 feet to the Point of Beginning. Above described tract contains 6.78 acres, more or less.

Together with

Tract #2

Beginning at a point which is 191.3 feet east of the southwest corner of said Lot 1, thence North 40.00 feet; thence West for 255.84 feet along a line 40.00 feet north of and parallel with the south line of said Lot 1; thence North for 94 feet, more or less, along the west line of the East 64.34 feet of Lot G, Auditor's Subdivision of Lot 3, Malletts Subdivision in the Southwest One-Quarter of the Southeast One-Quarter in said Section 6; thence Northeasterly along the southerly line of Interstate 80 right-of-way; thence East for 426 feet, more or less, along the north line of the South 235 feet of said Lot 1 and the extension of said line; thence South for 100 feet, more or less; thence Southwesterly to the south line of said Lot 2, being 100 feet, more or less, east of the southwest corner of said Lot 2; thence West for 143 feet, more or less, along the south line of said Lots 1 and 2 to the Point of Beginning. Above described tract contains 2.30 acres, more or less.

Combined total area of Tract #1 and Tract #2 is 9.08 acres, more or less.

For the above description the north line of the Northeast One-Quarter of Section 7, Township 75 North, Range 43 West is assumed to bear North 90°00'00" East.

Drawn: C.J.G.
Checked: M.W.F.

SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS
525 Valley View Drive, Suite 12
Council Bluffs, Iowa 51503
712.329.0300

Project No: 05747.003

Date: 12/28/09

City of Council Bluffs, Iowa

East 29th Avenue Sanitary Sewer Extension

Exhibit E2 - Tabulation of Benefited Parcels



<u>Traffic</u>	<u>Pottawattamie County</u> <u>Assessor's Parcel #</u>	<u>Area (acres)</u>	<u>Owner of Record</u>
(A)	744307200005	3.32	William R. & Judith M. Connor
(B)	744307200006	3.46	Matt Connor
(C)	744306477002	0.54	Curtis M. & Carol J. Edic
(D)	744306477003	0.49	Michael A. Gammons, ETAL
(E)	744306477004	0.43	Edward E. & Darlene J. Chevalier
(F)	744306477005	0.84	Edward Earnest Chevalier

Total Benefited Area: 9.08

Drawn: C.J.G.
Checked: M.W.F.

SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS
970 Valley View Drive, Suite 12
Council Bluffs, Iowa 51503
712.225.6300

Project No: 05747.003

Date: 12/28/09

ORDINANCE NO: 6048

**AN ORDINANCE TO ESTABLISH TAP-ON FEES FOR THE EAST 29TH AVENUE
SANITARY SEWER EXTENSION AS AUTHORIZED IN CHAPTER 5.25 “TAP-ON
FEES” OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.**

- WHEREAS: East 29th Avenue from Harry Langdon Blvd. east to terminus has no public sanitary sewer and a sewer extension would benefit both existing and future development; and
- WHEREAS: the City of Council Bluffs will construct the public sanitary sewer in compliance with Chapter 384 Division VI Contract letting Procedures of the Code of Iowa; and that all project costs will be initially financed by essential corporate purpose general obligation bonds; and
- WHEREAS: a map showing the general location of the project area and lot configuration has been prepared and is attached as Exhibit “A” and a project description made apart thereto; and
- WHEREAS: a plat of the sanitary sewer and the properties benefited by this construction has been prepared and is attached as Exhibit “B”; and
- WHEREAS: a legal description of the sanitary sewer to be constructed has been proposed and is attached as Exhibit “C1” and “C2”; and
- WHEREAS: the City Engineer certification of the total cost of the construction has been prepared and is attached as Exhibit “D”; and
- WHEREAS: a calculation of the total area in acres of the property benefited by the construction of the sanitary sewer and a schedule of tap-on fees, calculated on a per acre basis, to be paid by an owner or building permit applicant upon connection to the public utility constructed, has been prepared and is attached as Exhibit “E1” and “E2”; and
- WHEREAS: no property lying within the benefited area of this project is exempt from tap-on fees by virtue of having been previously assessed for sanitary sewer; and
- WHEREAS: this project is consistent with the long range growth plan of Council Bluffs to expand development in this area

NOW, THEREFORE, BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

- SECTION 1. That the tap-on fee ordinance for the East 29th Avenue sanitary sewer extension is adopted in accordance with Exhibits "A" through "E2" attached.
- SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
- SECTION 3. Effective date. This ordinance shall be in full force and effect from and after its passage, approval and publication, as by law provided.

PASSED
AND
APPROVED _____, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

First Consideration:	<u>January 11, 2010</u>
Second Consideration:	<u>January 25, 2010</u>
Public Hearing:	<u>January 25, 2010</u>
Third Consideration:	

To: Members of the City Council
From: Art Hill
Date: December 31, 2009
RE: KRONOS Timekeeping System
CC 10-06

At the July 13, 2009 council meeting you authorized us to enter an agreement with Stromberg Systems to acquire an electronic timekeeping system. At the time KRONOS Systems was one of the unsuccessful companies in the selection process on the basis of price. Our decision was based fundamentally on pricing. At the time, Mr. Belt spoke highly of KRONOS systems.

Subsequently, we prepared for the installation of the Stromberg system. This included sending a 50% down payment for both the system and the maintenance agreement.

KRONOS then acquired Stromberg. Essentially they bought the company to get the customer base. KRONOS approached us and asked if we would have an interest in NOT installing Stromberg and instead moving to KRONOS. We expressed our initial willingness to do so – but insisted (1) that it must be cost neutral, i.e. we pay what we would have paid to Stromberg and (2) that all payments sent to Stromberg be applied to the KRONOS product.

KRONOS expressed their acceptance of these terms and all of us agree that installation of KRONOS – now or in the future is inevitable – so we believe we should do so now.

Accordingly, based on this information, I recommend you authorize to change any and all Stromberg agreements to its successor - KRONOS.

Resolution 10-06

A Resolution authorizing the city finance director to take the steps necessary to dissolve the contracts and agreements with Stromberg, and enter similar agreements with KRONOS Systems Incorporated.

Be it resolved by the City Council of the City of Council Bluffs, Iowa:

Whereas: The City of Council Bluffs authorized agreements with Stromberg Inc for an electronic timekeeping system with Stromberg Inc. at the July 13, 2009 meeting, and

Whereas: The City of Council Bluffs executed agreements with Stromberg Inc. subsequent to that approval and

Whereas: KRONOS Systems Inc. subsequently purchased Stromberg Inc. and indicated to the City of Council Bluffs that KRONOS would offer the KRONOS timekeeping product in place of the Stromberg timekeeping product for essentially the same cost as the Stromberg proposal and

Whereas: The City of Council Bluffs believes it is in the best interest of future operations to acquire the KRONOS timekeeping product

That the City of Council Bluffs authorizes staff to take the needed steps to terminate any and all Stromberg agreements and enter agreements with KRONOS Systems for the acquisition of electronic timekeeping systems.

Adopted
and

Approved: January 11, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

Council Communication
January 11, 2010 Council Meeting

Department: Community Development	Ordinance No.: N/A Resolution No.: <u>10-07</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Case/Project No.: N/A		
Subject/Title		
5 th Avenue and South 13 th Street (Baker Properties) Demolition Project as part of the Mid-City Corridor Project.		
Location		
1234 4 th Avenue; 1314 5 th Avenue; Lot Adjacent to 1319 5 th Avenue; and 1200 Block of 6 th Avenue		
Background/Discussion		
<p>On August 24, 2009, City Council approved the acquisition and demolition of several parcels of property from Edwin and Kathryn Baker utilizing Neighborhood Stabilization Program (NSP) funds as part of the Mid-City Corridor Project of the Neighborhood Revitalization Strategy Area (NRSA) Plan, adopted on August 10, 1998 by Resolution Number 98-201. Efforts of the NRSA include the extension of the City's trail system, realignment and construction of public infrastructure, railroad consolidation and the development of open space and recreational uses.</p> <p>The demolition plans include removal of the building located at 1314 5th Avenue as well as all rock and aggregate material, fencing, driveways up to the sidewalks and miscellaneous debris. The sites will then be back filled, graded and seeded. The area will remain open space as part of the trail system and/or possible future railroad consolidation.</p> <p>On December 1, 2009, a notice to bidders with demolition specifications was mailed to sixteen demolition contractors and posted on the Community Development website. Bids from interested contractors were due on December 18, 2009. Only one bid was received from Anderson Excavating Co. in the amount of \$81,610.00. This project has an estimated start date of February 1, 2010 and should be completed by March 1, 2010. NSP funds will be used to fund the demolition.</p>		
Staff Recommendation		
The Community Development Department recommends City Council adopt a resolution authorizing the Mayor to execute an agreement with Anderson Excavating Co. in the amount of \$81,610.00 for the 5 th Avenue and South 13 th Street Demolition Project as part of the Mid-City Corridor project.		
Attachments		
1. Attachment A - Map 2. Anderson Excavating Co. - Demolition Bid		

Submitted by: Tina Hochwender, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department



Anderson *Excavating Co. Since 1958*

1920 Dorcas Street
Omaha, Nebraska 68108

Office: (402) 345-8800 Tom
Fax: (402) 345-8810

City of Council Bluffs
Community Development Department
403 Willow Avenue
Council Bluffs, IA 51503
(712) 328-4629
(712) 328-4915 (fax)

December 18, 2009

"Project – Demolition of Four (4) parcels in Council Bluffs"

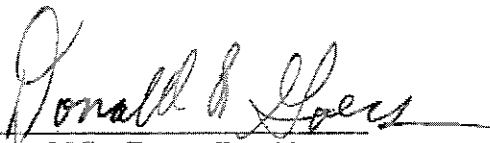
Parcel 1: 1234 4th Avenue
Parcel 2: 1314 5th Avenue
Parcel 3: Lot adjacent to 1319 5th Avenue
Parcel 4: 1200 Block of 6th Avenue

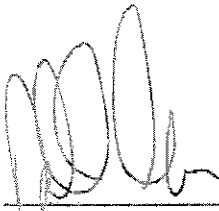
1. Provide all labor, equipment and supervision for the demolition and removal of structures including footings, foundations and floor slabs at 1314 5th Avenue.
2. Removal of drive behind public sidewalk at 1314 5th Avenue.
3. Removal of rock and aggregate surface material and below at 1314 5th Avenue and 1234 4th Avenue.
4. Disconnect all utilities in accordance to all City Codes.
5. Removal of light post at 1314 5th Avenue.
6. Removal of concrete slabs and sidewalks along southern portion of property at 1234 4th Avenue.
7. Removal of rock and aggregate surface material and below along property line within the 4th Avenue right of way at 1234 4th Avenue.
8. Removal of all fencing and debris at 1314 5th Avenue and 1234 4th Avenue.
9. Dispose of all combustible debris at Licensed Landfill.
10. Provide all labor, equipment and supervision for the removal and disposal of all asbestos containing material in accordance to all City, County, State and E.P.A. regulations.
11. Notify all governing authorities of asbestos removal.
12. Fill entire site back to existing elevations and seed at both 1314 5th Avenue and 1234 4th Avenue.
13. Removal of rock and aggregate surface material and below behind public sidewalk at 1200 Block of 6th Avenue and lot adjacent to 1319 5th Avenue.
14. Removal of drive pan and behind public sidewalk at 1200 Block of 6th Avenue and lot adjacent to 1319 5th Avenue.
15. Removal of fencing and debris and fill entire site back to existing elevations and seed at 1200 Block of 6th Avenue and lot adjacent to 1319 5th Avenue.
16. Backfill and compact depressions with clean fill material and grade for proper drainage.
17. Provide site security, traffic control and erosion control.

18. Provide Demolition Permits.
19. Provide Certificate of Insurance for our work.
20. All salvage to become the property to this Contractor upon Notice-To-Proceed.

TOTAL PRICE FOR ABOVE WORK *** \$81,610.00*******
(Eighty One Thousand Six Hundred Ten Dollars & No Cents)

Note: Existing buildings to remain at 1234 4th Avenue and Northern property lines to be surveyed and staked before demolition at both 1234 4th Avenue and 1314 5th Avenue.

Signature: 
Donald L. Goers, President

Acceptance Signature: 

Acceptance Date: 12-17-09

* The total price for above work is based on the removal and replacement top 1.0 foot of materials. Any removal of rock and aggregate material below 1.0 foot surface level would be calculated and priced per cubic yard.

Includes: removal and disposal of waste material and replacement with clean fill.

UNIT PRICE: \$16.00 per cubic yard

RESOLUTION NO. 10-07

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ANDERSON EXCAVATING CO. FOR THE 5TH AVENUE AND SOUTH 13TH STREET DEMOLITION PROJECT.

WHEREAS, The City wishes to extend the City's trail system, promote railroad consolidation and develop open space as part of the Mid City Corridor Project as outlined in the City's Neighborhood Revitalization Strategy Area (NRSA) Plan, as therein described; and

WHEREAS, The 5th Avenue and South 13th Street Demolition Project is located in the Mid City Corridor Project area; and

WHEREAS, The 5th Avenue and South 13th Street Demolition Project will involve the removal of the structure located at 1314 5th Avenue as well as removal of rock and aggregate material and other debris located at 1234 4th Avenue, the Lot Adjacent to 1319 5th Avenue, and the 1200 Block of 6th Avenue as identified in Attachment A and in accordance with the NRSA Plan; and

WHEREAS, A Notice to Bidders along with demolition specifications was mailed to potential contractors and posted on the City's Community Development Department website; and

WHEREAS, Anderson Excavating Co. has submitted a low bid in the amount of \$81,610.00 for the demolition project.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the bid from Anderson Excavating Co. in the amount of \$81,610.00 is hereby accepted as the lowest and best bid received for the 5th Avenue and South 13th Street Demolition Project; and

BE IT FURTHER RESOLVED

That the Mayor is hereby authorized, empowered and directed to execute an agreement with Anderson Excavating Co. for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the demolition specifications.

ADOPTED
AND
APPROVED:

January 11, 2010

Thomas P. Hanafan

Mayor

ATTEST:

Marcia L. Worden

City Clerk

Council Communication
January 11, 2010 City Council Meeting

Department: Community Development	Ordinance No.: N/A Resolution No.: <u>10-08</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A										
Subject/Title												
Council consideration of a resolution accepting the work of Anderson Excavating Co. as complete and authorizing the release of the retainage after 30 days if no claims are filed and all other contract requirements have been met in connection with Phase I of the 28 th Avenue Extension Project - Grading Improvements.												
Location												
28 th Avenue between South 18 th Street and South 19 th Street												
Background/Discussion												
<u>Background</u> The City has been working on developing and redeveloping the area south of 23 rd Avenue and west of Indian Creek for several years. This has involved the installation of infrastructure to support several residential infill subdivisions. To date, approximately 150 lots have been created. The project has been initiated and completed in several phases due to financial constraints. As revenues are secured additional phases can be initiated. The current phase of the project includes 28 th Avenue from South 18 th Street to South 19 th Street. This phase of the project will result in the creation of seven (7) single family lots and will be developed in two phases. Phase I of the project will involve grading the site and Phase II will involve the sewer lateral extensions, storm sewer intakes and piping, water main extension and street paving. Phase II of the project is not expected to be let until the winter of 2009 with construction in the spring of 2010 and completion in June of 2010.												
<u>Discussion</u> A public hearing was held on September 14, 2009 on the plans and specifications for the project and four bids were received by the City Clerk's office on September 29, 2009. On October 12, 2009 City Council approved Anderson Excavating Co. as the project contractor and entered into an agreement with them to complete the work for \$73,933.75. Change Order No. 1 added 46 LF of silt fence within the public right of way and 46 LF of silt fence outside the public right of way. It also decreased the amount of below grade excavation outside the public right of way, resulting in a net change order amount of negative \$67.00 to the original contract amount. The total contract amount ended up at \$73,866.75. The final project financials can be summarized as follows: <table style="width: 100%; border: none;"><tr><td style="width: 60%;">Original contract amount</td><td style="text-align: right;">\$73,933.75</td></tr><tr><td>Change order #1</td><td style="text-align: right;"><u>(\$67.00)</u></td></tr><tr><td>Final contract amount</td><td style="text-align: right;">\$73,866.75</td></tr><tr><td>Less previous payments</td><td style="text-align: right;">\$70,173.41</td></tr><tr><td>Retainage due contractor</td><td style="text-align: right;">\$ 3,693.34</td></tr></table>			Original contract amount	\$73,933.75	Change order #1	<u>(\$67.00)</u>	Final contract amount	\$73,866.75	Less previous payments	\$70,173.41	Retainage due contractor	\$ 3,693.34
Original contract amount	\$73,933.75											
Change order #1	<u>(\$67.00)</u>											
Final contract amount	\$73,866.75											
Less previous payments	\$70,173.41											
Retainage due contractor	\$ 3,693.34											
Staff Recommendation												
The Community Development Department recommends acceptance of the work by Anderson Excavating Co. in connection with Phase I of the 28 th Avenue Extension Project - Grading Improvements and also authorization for the Finance Director to issue a check in the amount of \$3,693.34 for the final retainage.												
Attachment												
Engineer statement regarding work completion												



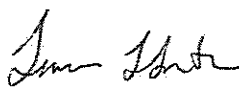
**STATEMENT OF ENGINEER
THAT WORK HAS BEEN COMPLETED
ACCORDING TO CONTRACT**

TO: City of Council Bluffs
Community Development Department
209 Pearl Street
Council Bluffs, Iowa

DATE: December 14, 2009

I hereby state that the work of constructing certain grading improvements within Council Bluffs, Iowa, according to the plans and specifications entitled "28th Avenue Reconstruction – Grading" under contract by and between COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPARTMENT AND ANDERSON EXCAVATING CO., INC., has been substantially completed, and that the work as completed is in substantial compliance with the plans and specifications for said work.

Respectfully submitted,
HGM ASSOCIATES INC.
Consulting Engineer
P.O. Box 919
Council Bluffs, Iowa 51502

BY: 
Terrence L. Smith, P.E.
Project Manager

RESOLUTION NO. 10-08

A RESOLUTION ACCEPTING THE WORK OF ANDERSON EXCAVATING CO. IN CONNECTION WITH PHASE I OF THE 28TH AVENUE EXTENSION PROJECT – GRADING IMPROVEMENTS AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE A CITY CHECK IN THE AMOUNT OF \$3,693.34.

- WHEREAS,** the City of Council Bluffs, Iowa, entered into an agreement with Anderson Excavating Co. for grading improvements associated with Phase I of the 28th Avenue Extension Project – Grading Improvements within the City; and
- WHEREAS,** this project involved the grading of 28th Avenue between South 18th Street and South 19th Street; and
- WHEREAS,** such improvements are required to accommodate the further development of the area residentially; and
- WHEREAS,** the contractor has fully completed the construction of said improvements in accordance with the terms and conditions of their contract and plans and specifications filed with the City Clerk, along with all approved change orders; and
- WHEREAS,** a request for final payment in the amount of \$3,693.34 to Anderson Excavating Co. has been submitted to the City Council for approval and payment; and
- WHEREAS,** final payment is due 30 days after acceptance of the work, assuming all other contract obligations have been met; and
- WHEREAS,** the City Council of the City of Council Bluffs has been advised and does believe that said \$3,693.34 constitutes a valid obligation of the City and should in its best interest be paid.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That said report of the engineer is hereby approved and adopted and the improvements are hereby accepted as having been fully completed in accordance with said plans and specifications.

BE IT FURTHER RESOLVED

That the Finance Director is hereby authorized and directed to issue a City check in the amount of \$3,693.34 payable to Anderson Excavating Co. from budget code Z21500-676000-00357.

ADOPTED
AND
APPROVED:

January 11, 2010

Thomas P. Hanafan

Mayor

ATTEST:

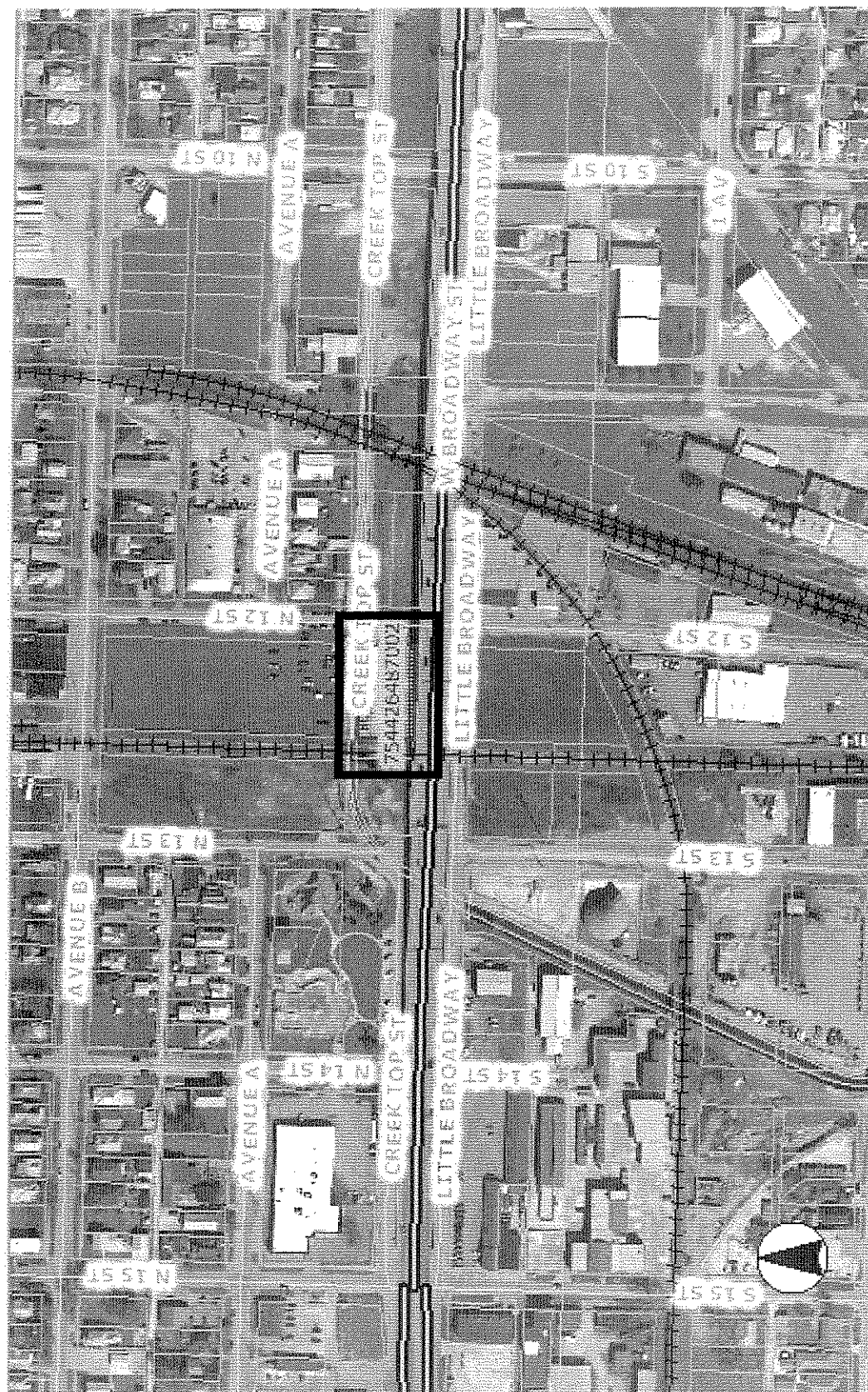
Marcia L. Worden

City Clerk

Council Communication
January 11, 2009 City Council Meeting

Department: Community Development	Ordinance No.: N/A Resolution No.: <u>10-09</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Case/Project No.: N/A		
Subject/Title		
Acquire 4 North 12 th Street		
Location		
Mid-City Corridor Project Area		
Background/Discussion		
<u>Background</u> City Council adopted a Neighborhood Revitalization Strategy Area (NRSA) on August 10, 1998 by Resolution Number 98-201. One of the recommendations of the NRSA was the implementation of the Mid-City Corridor Project, which involves the acquisition of vacant and blighted properties in the City's railroad corridors for eventual redevelopment. Redevelopment actions could include the extension of the City's trail system, reconstruction of Indian Creek, railroad consolidation and open space. The City has received Iowa West Funds and CDBG funds have been allocated for the Mid-City Corridor Project.		
<u>Discussion</u> The Community Development Department continues to acquire parcels of land for the Mid-City Corridor Project. On and off over the past several years, the Community Development Department has been trying to negotiate with Donald and Dona Wilson who own an auction house at 4 North 12 th Street. The City already owns property to the north, south and east of this structure. After past failed attempts at negotiations with the owner, the Community Development Department received approval on August 24, 2009 by Resolution Number 09-256 from City Council to initiate condemnation proceedings if the City and the property owner are unable to agree on a reasonable price for the property. On December 30, 2009 Mr. and Mrs. Wilson agreed to an acquisition price of \$205,000 for their property. A real estate contract for the acquisition of the property is being prepared and resolution authorizing the Mayor to execute the real estate contract is attached. CDBG and IWF funds will be used to cover the cost of acquisition.		
Staff Recommendation		
The Community Development Department recommends City Council adopt a resolution authorizing the Mayor to execute the real estate contract to acquire property located 4 North 12 th Street as part of the Mid-City Corridor Project.		
Attachments		
Property Location Map		

Area of Potential Effect



CONTRACT TO ACQUIRE PROPERTY LOCATED AT 4 NORTH 12TH STREET AS PART
OF THE MID-CITY CORRIDOR PROJECT.

WHEREAS, The City wishes to acquire property owned by Donald D. and Dona Wilson located at 4 North 12th Street for the Mid-City Corridor Project; and

WHEREAS the City adopted a Neighborhood Revitalization Strategy Area (NSA) on August 10, 1998 by Resolution Number 98-201 recommending the Mid-City Corridor Project; and

WHEREAS the Mid-City Corridor Project will involve the acquisition of vacant and blighted properties in the City's railroad corridors for eventual redevelopment; and

WHEREAS CDBG and Iowa West Grant funds will be utilized for the Mid-City Corridor Project; and

WHEREAS, a real estate contract has been prepared for the acquisition of the property located at 4 North 12th Street for \$205,000.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

That the Mayor is hereby authorized and directed to execute the real estate contract to acquire the property located at 4 North 12th Street as part of the Mid-City Corridor Project.

ADOPTED

AND

APPROVED: _

January 11, 2010

Thomas P. Hanafan

Mayor

ATTEST:

Marcia L. Worden,

City Clerk

**Council Communication
January 11, 2010 Meeting**

Department: Community Development Case/Project No.: EZ-10-001	Ordinance No.: N/A Resolution No.: <u>10-10</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Subject/Title		
Application to the Iowa Department of Economic Development for benefits under the Enterprise Zone Program		
Applicant		
ConAgra Foods Packaged Foods, LLC		
Location		
1023 4 th Street, Council Bluffs, IA 51503		
Background/Discussion		
<u>Background</u> ConAgra Foods serves a national market and produces frozen packaged meals; primarily premium dinners, single serve entrees, pot pies and cobblers between eight production lines, running two shifts per day. Brands include Marie Callender, Healthy Choice, Banquet and Kid Cuisine. This project involves the retention of 50 existing jobs and the creation of 20 new jobs over 2 years. ConAgra is considering adding a new product line, increasing line efficiencies and installing a "Clean In Place" Sanitation System at the Council Bluffs plant location. The existing jobs would be at risk if the efficiencies and improvements do not occur in Council Bluffs. The project budget is approximately \$39,800,000, mostly in manufacturing machinery and equipment.		
<u>Discussion</u> ConAgra wishes to utilize the benefits allowable under the Enterprise Zone Program (EZ). The EZ program will provide for a \$4,199,000 tax credit, state sales tax refund, R&D tax credits and additional dollars for job training. No local match is required and the project does not involve eligible improvements to real property and therefore is not eligible for any property tax abatement. Based on a review of the application, the project meets the requirements to qualify for EZ benefits.		
Staff Recommendation		
The Community Development Department recommends approval of the application submitted by ConAgra Foods Packaged Foods, LLC for benefits under the Enterprise Zone Program, contingent upon the company meeting all other City codes and ordinances, including, but not limited to the locally adopted Enterprise Zone requirements and the future installation of a brick and steel fence and landscaping along 9 th Avenue from South 3 rd Street to 4 th Street, similar to what is on South Main Street. This installation should occur within 12 months after ConAgra completes the acquisition of all of the homes along 9 th Avenue.		
Enterprise Zone Commission Recommendation		
The Enterprise Zone Commission will meet on Thursday, January 7, 2010 to review this application. Their recommendation will be made available at the January 11, 2010 City Council meeting.		
Attachment		
State Application for Financial Assistance has been provided under separate cover.		

RESOLUTION NO. 10-10

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS AUTHORIZING A JOINT APPLICATION TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT BY THE COUNCIL BLUFFS ENTERPRISE ZONE COMMISSION AND CONAGRA FOODS PACKAGED FOODS, LLC FOR ENTERPRISE ZONE BENEFITS.

- WHEREAS,** The City of Council Bluffs established Enterprise Zone-5 pursuant to Iowa House File 724 with the adoption of Resolution No. 07-407; and
- WHEREAS,** Enterprise zones and the eligible benefits under House File 724 were established to promote economic development in distressed areas; and
- WHEREAS,** ConAgra Foods Packaged Foods, LLC is currently located at 1023 South 4th Street; and
- WHEREAS,** the company wishes to add a new product line, increase line efficiencies and install a "Clean in Place" Sanitation System and is considering locating these projects at their Council Bluffs location; and
- WHEREAS,** the ConAgra project will create 20 new full-time jobs with a starting average hourly wage of \$14.40 and result in the retention of 50 current Council Bluffs employees; and
- WHEREAS,** this project will result in an investment of \$39,800,000 in manufacturing machinery and equipment, research and development and job training; and
- WHEREAS,** on January 7, 2010, the Enterprise Zone Commission held a public meeting to review the request of ConAgra Foods Packaged Foods, LLC; and
- WHEREAS,** after review and consideration of the request, the Enterprise Zone Commission determined that the ConAgra Foods Packaged Foods, LLC project meets the requirements to qualify for benefits, contingent upon the company meeting all other City codes and ordinances, including but not limited to the locally adopted Enterprise Zone requirements and the future installation of a brick and steel fence and landscaping along 9th Avenue from South 3rd Street to 4th Street, similar to what is on South Main Street. This installation should occur within 12 months after ConAgra completes the acquisition of all of the homes along 9th Avenue.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

Section 1.0 That the City finds that the ConAgra Foods Packaged Foods, LLC project is located within the Council Bluffs Enterprise Zone-5 as approved with the adoption of Resolution No. 07-407.

Section 2.0 That the City declares ConAgra Foods Packaged Foods, LLC an eligible business for Enterprise Zone benefits.

Section 3.0 That the City shall provide a copy of this resolution to the Iowa Department of Economic Development and shall file this resolution with the Pottawattamie County Assessor and Recorder.

Section 4.0 The City Council approves the ConAgra Foods Packaged Foods, LLC request for a 10% state investment tax credit and a 100% rebate of state sales and utility use taxes subject to the entity entering into an agreement with the City. The tax credit, if not entirely used during the first year, can be carried over and applied

against state tax liability for the next seven years or until depleted, whichever occurs first. The project does not involve eligible improvements to real property and therefore is not eligible for any property tax abatement.

Section 5.0 The Mayor is hereby authorized to take such further actions as are deemed necessary in order to carry into effect the provisions of this resolution.

Section 6.0 The provisions of this resolution shall be governed by the laws of the State of Iowa.

Section 7.0 That all resolutions and parts thereof in conflict therewith are hereby repealed to the extent of such conflict.

Section 8.0 That the provisions of this resolution are hereby declared to be separable and if any section, phrase, or provision shall for any reason be declared to be invalid, such declaration shall not effect the validity of the remainder of the sections, phrases and provisions hereof.

Section 9.0 That the approval of any and all Enterprise Zone benefits is contingent upon ConAgra Foods Packaged Foods, LLC meeting all other City codes and ordinances, including, but not limited to the locally adopted Enterprise Zone requirements and the future installation of a brick and steel fence and landscaping along 9th Avenue from South 3rd Street to 4th Street, similar to what is on South Main Street. This installation should occur within 12 months after ConAgra completes the acquisition of all of the homes along 9th Avenue.

Section 10.0 That this resolution shall become effective immediately upon its passage and approval.

ADOPTED
AND
APPROVED:

January 11, 2010

Thomas P. Hanafan

Mayor

ATTEST:

Marcia L. Worden

City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this ____ day of _____, 2010, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Marcia L. Worden, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Marcia L. Worden, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

Council Communication

Department: Parks, Recreation and Public Property Case/Project No. Applicant: Larry N. Foster	Ordinance No. _____ Resolution No. <u>10-11</u>	Date: <u>January 11, 2010</u>
Subject/Title		
<p>For City Council consideration is a resolution authorizing the Mayor to submit a River Enhancement Community Attraction and Tourism (RECAT) grant application and authorizing the Mayor to enter into a contract if approved, and indicating financial support.</p>		
Background/Discussion		
<p>Currently, the City is progressing in its efforts to develop a signature riverfront park on the banks of the Missouri River and at the foot of the Bob Kerrey Pedestrian Bridge. To advance this process, by Council Resolution dated February 9, 2009, the City retained the services of Sasaki, and this firm has completed the tasks of confirming the programming direction from the public process, including the work of a steering committee and multiple public input opportunities completed December 2007.</p> <p>Sasaki has now advanced the planning efforts to include refining of the Master Plan, preparation of cost estimates and completion of preliminary construction drawings.</p> <p>Funding for the design and construction of this Riverfront Park will require a number of funding partnerships. Vision Iowa's River Enhancement Community Attraction and Tourism (RECAT) program shares the City's objectives for the development of a Riverfront Park. The RECAT program is designed to assist communities in the development and creation of multiple purpose attraction or tourism facilities. Additionally, eligible projects must create recreational and entertainment attractions that are open to the general public, and relate to, connect with, and enhance a river, lake, or river corridor.</p> <p>The purpose of this resolution is to authorize the Department of Parks, Recreation and Public Property to assemble and submit an application, support materials and other documentation necessary for a RECAT Grant to support the design and construction of the River's Edge Park.</p> <p>In addition to pursuing other funding partners, in Fiscal Year 2010-2011 the City Council has approved, for this project, \$3,500,000 in sales tax, \$1,050,000 in General Obligation Bonds and General Fund allocations of \$950,000 in the City's Capital Improvement Plan.</p>		
Recommendation		
<p>I recommend the City Council adopt the resolution to authorize the Mayor to submit an application to Vision Iowa for a RECAT Grant and to enter into a contract, if approved.</p>		

Larry N. Foster

Thomas P. Hanafan

RESOLUTION NO. 10-11

RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO
VISION IOWA FOR A RECAT GRANT AND TO ENTER INTO A CONTRACT, IF
APPROVED.

WHEREAS, the City of Council Bluffs is progressing in its efforts to develop a signature riverfront park on the banks of the Missouri River and at the foot of the Bob Kerrey Pedestrian Bridge; and

WHEREAS, Council Bluff's River's Edge Park will be an important river-based, multi-purpose attraction and tourism facility both locally and regionally; and

WHEREAS, Council Bluffs River's Edge Park will create recreational and entertainment attractions, open to the public, on the banks of the Missouri River; and

WHEREAS, the City, through the Sasaki Consulting firm, has confirmed the park's program authored from intensive meetings and public input opportunities and refined the Riverfront Park's Master Plan; and

WHEREAS, specific cost estimates and preliminary construction drawings have been completed for this project; and

WHEREAS, the City Council and Parks, Recreation and Public Property Commission support the River's Edge Park plan and an effort to develop funding partnerships to construct the park; and

WHEREAS, the City Council deems it is in the best interest of the City of Council Bluffs to pursue funding for the development of the River's Edge Park by submitting a grant application to the Vision Iowa Board, for consideration of funding from the River Enhancement Community Attraction and Tourism (RECAT) program; and

WHEREAS, the City Council authorizes appropriate City officials to execute a contract with Vision Iowa, and any necessary documents, if the grant is approved; and

WHEREAS, the City Council, in Fiscal Year 2010-2011, has approved for this project, \$3,500,000 in Sales Tax, \$1,050,000 in General Obligation Bonds and General Fund allocations of \$950,000 in the City's Capital Improvement Plan.

NOW, THEREFORE BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Council authorize the Mayor to submit a River Enhancement Community Attraction and Tourism Grant application and authorize the Mayor and City Clerk to enter into a contract, if approved.

ADOPTED
AND
APPROVED

January 11, 2010

Thomas P. Hanafan

Mayor

Attest:

Marcia L. Worden

City Clerk

Council Communication

Department: Parks, Recreation and Public Property	Ordinance No. _____ Resolution No. <u>10-12</u>	Date: <u>January 11, 2010</u>																		
Case/Project No.																				
Applicant: Larry N. Foster																				
Subject/Title																				
For City Council consideration is a resolution awarding a contract in the amount of \$471,029.78, to MFT Construction, Inc., for the Wabash Trace to Bob Kerrey Pedestrian Bridge Trail Rehabilitation project.																				
Background/Discussion																				
<p>This proposed improvement project will provide the necessary repairs to the deteriorated sections of this critical trail and the overall rehabilitation activities to be accomplished will greatly extend the trail's life.</p> <p>City Council approved the plans, specifications and form of contract on November 9, 2009 and thereafter, in accordance with the City Council approved Agreement between the City and the Iowa Department of Transportation, the Department of Transportation offered the project for public bids.</p> <p>Bids were received on December 15, 2009, and are listed below along with the engineer's estimate:</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%;">• MFT Construction, Inc.</td><td style="width: 50%; text-align: right;">\$471,029.78</td></tr><tr><td>• Charles Vrana & Son Construction Co.</td><td style="text-align: right;">\$519,996.47</td></tr><tr><td>• Godbersen-Smith Construction Co. & Subsid.</td><td style="text-align: right;">\$560,960.10</td></tr><tr><td>• Luxa Construction Company, Inc.</td><td style="text-align: right;">\$576,034.40</td></tr><tr><td>• Howrey Construction, Inc.</td><td style="text-align: right;">\$640,758.17</td></tr><tr><td>• TR Harris Construction, Inc.</td><td style="text-align: right;">\$679,286.87</td></tr><tr><td>• Cedar Valley Corporation</td><td style="text-align: right;">\$777,219.72</td></tr><tr><td>• Engineers' Estimate</td><td style="text-align: right;">\$521,330.20</td></tr></table> <p>Funding for the costs associated with the award of this contract shall be paid in the amount and from the following sources:</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%;">• Iowa Department of Transportation ARRA Grant (original grant)</td><td style="width: 50%; text-align: right;">\$543,866.00</td></tr></table>			• MFT Construction, Inc.	\$471,029.78	• Charles Vrana & Son Construction Co.	\$519,996.47	• Godbersen-Smith Construction Co. & Subsid.	\$560,960.10	• Luxa Construction Company, Inc.	\$576,034.40	• Howrey Construction, Inc.	\$640,758.17	• TR Harris Construction, Inc.	\$679,286.87	• Cedar Valley Corporation	\$777,219.72	• Engineers' Estimate	\$521,330.20	• Iowa Department of Transportation ARRA Grant (original grant)	\$543,866.00
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• TR Harris Construction, Inc.	\$679,286.87																			
• Cedar Valley Corporation	\$777,219.72																			
• Engineers' Estimate	\$521,330.20																			
• Iowa Department of Transportation ARRA Grant (original grant)	\$543,866.00																			

Larry N. Foster

Thomas P. Hanafan

RESOLUTION NO. 10-12

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT AND AWARD BID TO MFT CONSTRUCTION INC., FOR THE WABASH TRACE TO BOB KERREY PEDESTRIAN BRIDGE TRAIL REHABILITATION PROJECT.

WHEREAS, the City of Council Bluffs desires to provide necessary repairs to the deteriorated sections of the Wabash Trace to Bob Kerrey Pedestrian Trail; and

WHEREAS, on November 9, 2009, Council approved the plans, specifications and form of contract for the Mid-City Trail project; and

WHEREAS, on December 15, 2009, bids were received by the Iowa Department of Transportation; and

WHEREAS, MFT Construction, Inc., has submitted a low bid in the total amount of \$471,029.78; and

WHEREAS, also recommended is a contingency fund in the amount of 3% of the project construction cost; and

WHEREAS, the City Council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

NOW, THEREFORE BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute a contract with MFT Construction, Inc., for the Wabash Trace to Bob Kerrey Pedestrian Bridge Trail Rehabilitation Project.

ADOPTED
AND
APPROVED January 11, 2010

Thomas P. Hanafan Mayor

Attest:

Marcia L. Worden City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. First Reading January 11, 2009
Case/Project No.: FY11-11 Resolution No. 10-13
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Consideration of a resolution authorizing the Mayor to execute an agreement with Ehrhart Griffin & Associates for engineering services for the 31st Street Improvement – Phase IV- Avenue C to Avenue G. Project # FY11-11.

BACKGROUND/DISCUSSION

- The 31st Street sanitary sewer was built in the early 1950's. The sewer is a collector sewer receiving flow from the area between 37th Street and 29th Street north of Broadway. The sewer discharges to the 6th Avenue pump station at 31st Street.
- The sewer is in poor condition and needs to be replaced.
- The 31st Street sewer has been replaced in previous project from 6th Avenue to Avenue C.
- This project will continue the rehab of the pavement, sanitary and storm sewer between Avenue C to Avenue G.
- This is project FY11-11 in the CIP and is funded with \$1,000,000 in Sales Tax funds.
- The project is scheduled for 2010 construction.

RECOMMENDATION

Approval of this resolution.

Approved by: Greg Reeder, Public Works Director





PROPOSAL FOR PROFESSIONAL ENGINEERING &
LAND SURVEYING SERVICES
EGA PROJECT NO 091301

December 15, 2009

Mr. Greg Reeder, Public Works Director
Public Works Department
209 Pearl Street
Council Bluffs, IA 51501

Dear Mr. Reeder:

We propose to render professional engineering and land surveying services in connection with that portion of FY11-11 - 31st Street Rehab Phase IV, (Mid-block between Avenues "C" & "D" to Avenue "G").

Our service structure is as follows:

A. Surveying

Provide land surveying services as required to complete the preliminary and final design of the project.

B. Conceptual Phase

Prepare conceptual drawing, cost estimate, and coordinate with the City to define the scope of the Project.

C. Preliminary and Final Design Phases

In consultation with the City, and on the basis of the accepted conceptual plans, prepare Preliminary Design documents consisting of final design criteria and preliminary drawings. Based on the information contained in the Preliminary Design documents, a revised cost estimate will be prepared.

With the approval of the preliminary Design documents, prepare for incorporation in the Contract Documents, final drawings to show the general scope, extent, and character of the work to be furnished and performed by the Contractor(s) including specifications. Provide other services as directed by the City to initiate the Bidding Phase.

D. Bidding Phase

Assist the City in obtaining bids for construction of the Project. Prepare and issue addenda as necessary to interpret, clarify, or expand the Bidding Documents. Attend the Bid opening as requested and assist the City in evaluating the Bids.

E. Construction Phase

Provide construction observation, project management, and construction staking services necessary to determine in general that work by the contractor is proceeding in accordance with the Contract Documents. The City will be kept informed of the progress of the work. Review of shop drawings, coordination of testing services, processing of change orders, and applications for payment will also be provided.

- F. Project Management
Provide services as requested by the City not typical to technical design services.
- G. Outside Consultants/Testing
Obtain necessary sub-consultants and testing services required for construction to be completed in accordance to the Contract Documents.
- H. Right of Way
Coordinate and prepare necessary documentation to obtain right-of-way, easements, outside permits, and assessments.

These Professional Engineering and Land surveying services would be provided at the following fee schedule:

A. Surveying	Lump Sum
B. Concept Phase	Hourly, not to exceed a negotiated maximum
C. Preliminary and Final Design Phase	Lump Sum
D. Bidding Phase	Lump Sum
E. Construction Phase	Hourly, not to exceed negotiated % of construction (average of two low bidders)
F. Project Management	Hourly, not to exceed negotiated maximum
G. Outside Consultants/Testing	Billed per invoice
H. Right of Way	Hourly

Hourly and additional or non-customary services will be charged at an hourly rate based on the following Hourly Rate Schedule:

STANDARD HOURLY RATE SCHEDULE:

Principal	150.00/hr.	Survey Department Manager	115.00/hr.
Engineering Department Manager	135.00/hr.	Professional Land Surveyor	87.50/hr.
Engineering Project Manager	135.00/hr.	Survey Technician	71.00/hr.
Project Engineer	89.00/hr.	Survey Crew Party Chief	87.50/hr.
Design Engineer	78.00/hr.	Survey Crew Tech. W/ EDM	87.50/hr.
Engineering Technician I	71.00/hr.	Robotic Laser EDM	87.50/hr.
Engineering Technician II	63.00/hr.	GPS Satellite Receiver	175.00/hr.
Quality Assurance Manager	90.00/hr.	Office Clerical	55.00/hr.
Construction Manager	82.00/hr.	Office Manager	88.00/hr.
Construction Observer I	75.00/hr.		
Construction Observer II	55.00/hr.		

REIMBURSABLE EXPENSES:

Federal/Airborne Express	30.00/ea.
Express Messenger	15.00/ea.
Mylar Copy (24" x 36")	7.00/ea.
Mylar Copy (30" x 42")	9.00/ea.
Bond Copy (8½x11)	0.30¢/ea.
Bond Copy (8½x14)	0.55/ea.
Bond Copy (11 x 17)	0.75/ea.
Bond Copy (24 x36)	4.00/ea.
Bond Copy (30 x 42)	5.00/ea.
Color Copy (8½x11)	1.00/ea.
Color Cbpy (8½x14)	1.25/ea.
Color Copy (11 x 17)	1.75/ ea.
Color Copy (24x36)	4.00/ea.
Color Copy (30x42)	9.00/ea.

Ehrhart Griffin & Associates will bill the City monthly for services and reimbursable expenses. The aforementioned financial arrangements are on the basis of prompt payment and the orderly and continuous progress of construction.

We would expect to start promptly with the above work upon acceptance of this proposal and to complete our services according to the construction schedule.

If there are protracted delays for reason beyond our control, we would expect to renegotiate with you the basis for our compensation in order to take into consideration changes in price indices and pay scales applicable to the period when services are in fact being rendered.

Should budgetary limitations become a factor in the completion of this work, the City shall so advise Ehrhart Griffin & Associates in writing at the earliest possible date. We will endeavor to work within such limitations.

Ehrhart Griffin & Associates agrees to indemnify and save harmless the City, its officers, agents, and employees from and against any and all claims including reasonable attorneys' fees and defense costs arising out of the negligent acts, errors, or omissions of Ehrhart Griffin & Associates, its officers, agents, and employees in the execution of the services specified in this contract

In recognition of the relative risks and benefits of the project to both the City and Ehrhart Griffin & Associates, the risks have been allocated such that the City agrees, to the fullest extent permitted by law, to limit the liability of Ehrhart Griffin & Associates and their sub-consultants to the Owner and to all construction contractors and subcontractors on the project

for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, so that the total aggregate liability of Ehrhart Griffin & Associates and their sub-consultants to all those named shall not exceed \$1,000,000.00. Such claims and causes include negligence, professional errors or omissions, strict liability, breach of contract or warranty.

This proposal letter represents the entire understanding between the City and Ehrhart Griffin & Associates with respect to the project and may be modified in writing with the signatures of both parties.

If this satisfactorily sets forth your understanding of the arrangement between us, please sign both copies of this letter where indicated. Please retain one copy for your records and return the second copy to this office.

OWNER : _____

Signature: _____

By: _____

Title: _____

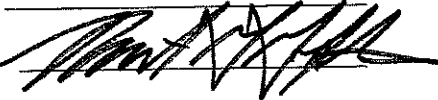
Date: _____

Address: _____

City, State: _____

Phone: _____ Fax : _____

A/E: EHRHART GRIFFIN & ASSOCIATES

Signature: 

By: Robert G. Griffin, P.E.

Title: Principal

Date: December 15, 2009
3552 Farnam Street

Omaha, Nebraska 68131

402/551-0631(phone)

402/551-6540 (fax)

E-mail: ega@ehrhartgriffin.com

**RESOLUTION
NO 10-13**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH EHRHART GRIFFIN & ASSOCIATES
IN CONNECTION WITH
31ST STREET IMPROVEMENTS – PHASE IV – AVENUE C TO AVENUE G
FY11-11**

- WHEREAS, the city wishes to make improvements known as the
31st Street Improvements – Phase IV- Avenue C to
Avenue G, within the city, as therein described; and
- WHEREAS, Ehrhart Griffin & Associates has submitted an agreement
to provide engineering services for the work necessary for
said improvements; and
- WHEREAS, the city council deems approval of said agreement to be
in the best interest of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with
Ehrhart Griffin & Associates for engineering services relative to the 31st Street Improvements-
Phase IV-Avenue C to Avenue G.

ADOPTED
AND
APPROVED

January 11, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading January 11, 2010
Case/Project No.: FY08-08C & FY09-06A Resolution No. 10-14
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution accepting the work of Bluffs Electric as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the US Hwy 275 Street Lighting. Project # FY08-08C & FY09-06A.

BACKGROUND/DISCUSSION

- The Iowa Department of Transportation has undertaken three projects to completely rebuild US Hwy 275 from the Missouri River to I-29 through the City of Council Bluffs. The project involves replacement of the 2 lane roadway with a new 4 lane divided roadway and service roads.
- The first two IDOT projects are complete and the third and final project will be constructed in 2008.
- The City of Council Bluffs will be responsible for providing and maintaining street lighting on the new 4 lane divided roadway and service roads.
- The roadway completed to date has removed all old street lighting and the area is very dark and offers an unsafe condition for the motoring public.
- On those areas where portions of the new 4 lane roadway and service roads have been constructed the City proposes to construct street lighting. The city created two projects to accomplish this work. Project FY08-06C covers work from South Expressway to 24th St.. Project FY09-06A covers work from 24th St. to the Missouri River. Due to IDOT 275 construction phasing both projects will be constructed under FY08-06C in 2009.
- The project will provide street lighting from 24th Street east to the east I-29 ramps utilizing steel poles and underground power spaced at approximately 200' on center on both sides of the road. In the more rural section west of 24th Street the project will provide street lighting at the intersections of Hwy 275 at Council Point Road and So. 36th Street.
- The project will install a total of ninety- four (94) street lights.
- Project FY08-08C is in the 2008 CIP and is funded with general obligation bond funds.

	<u>Division I</u>	<u>Division VI</u>	<u>Total</u>
• Original contract amount	\$7,115.00	\$458,979.80	\$466,094.80
Change Orders	\$ 0	\$ 40.00	\$ 40.00
Final contract amount	\$7,115.00	\$459,019.80	\$466,134.80
Less previous payments	(\$6,759.25)	(\$436,068.81)	(\$442,828.06)
Retainage due contractor	\$ 355.75	\$ 22,950.99	\$ 23,306.74

RECOMMENDATION

Approval of this resolution.

**RESOLUTION
NO 10-14**

**RESOLUTION ACCEPTING THE WORK OF
BLUFFS ELECTRIC, INC. IN CONNECTION WITH
THE US HWY 275 STREET LIGHTING
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE
A CITY CHECK IN THE AMOUNT OF \$23,306.74
FY08-08C & FY09-06A**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Bluffs Electric, Inc., Council Bluffs, IA for the US Hwy 275 Street Lighting ; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the City clerk; and
- WHEREAS, a request for final payment in the amount of \$23,306.74 to Bluffs Electric, Inc. has been submitted to the city council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$23,306.74 constitutes a valid obligation of the City and should in its best interest be paid.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$23,306.74 payable to Bluffs Electric from budget codes Division I, Z07200-676000; Division VI, Z07200-676800. Project #00339.

ADOPTED
AND
APPROVED

January 11, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk